

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

AUG - 6 2019

Clerk, U S District Court
District Of Montana
Billings

ANTHONY JOE LEYVA,

Petitioner,

vs.

LYNN GUYER; TIM FOX,
ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondents.

CV 18-179-BLG-SPW-TJC

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on July 15, 2019. (Doc. 9.) The Magistrate recommended the Court dismiss Petitioner's petition for writ of habeas corpus (Doc. 1) for failure to prosecute under F. R. Civ. P. 41(b).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d


422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendation entered by the United States Magistrate Judge (Doc. 9) are ADOPTED IN FULL.

IT IS FURTHER ORDERED:

1. Petitioner's Petition for Writ of Habeas Corpus is DISMISSED under F. R. Civ. P. 41(b) for failure to prosecute.
2. The Court shall not issue a certificate of appealability.
3. The Clerk of Court shall enter judgment in favor of Respondents and against Petitioner.

DATED this 6th day of August, 2018.



SUSAN P. WATTERS
United States District Judge